

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KENNETH F. PHILLIPS,

Plaintiff,

DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/25/2007

07 Civ. 3417 (DAB)
ORDER

-against-

REED GROUP LLC, STACEY GRACE, PRESLEY
REED and PETER B. NAGEL, as Trustee
of the Presley Reed 1999 Family Trust,

Defendants.

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DEBORAH A. BATTS, United States District Judge.

Plaintiff Kenneth F. Phillips in the above-captioned case appears to be proceeding in this matter pro se. Plaintiff apparently initiated the case by filing a summons with notice, but without a Complaint in the New York State Supreme Court, New York County, pursuant to New York Civil Practice Law and Rules ("CPLR") § 305(b). The matter, however, has since been removed from New York State Supreme Court to this Court on April 30, 2007. On May 7, 2007, Defendants Reed Group LLC, Stacey Grace and Peter B. Nagel, as trustee of the Presley Reed 1999 Family Trust moved for an Order directing Plaintiff to file a Complaint in this matter and duly served the same upon Plaintiff. Plaintiff has not responded to the motion. The Court GRANTS the Defendants' motion and also their request to have thirty (30) days in which to respond to the Complaint, once it has been served upon them.

Accordingly, IT IS ORDERED AS FOLLOWS:

(1) Plaintiff shall file a Complaint in this matter within thirty (30) days of the date of this Order;

(2) Defendants shall have thirty (30) days to respond to the Complaint once it has been served upon them; and

(3) Plaintiff, as a pro se party is advised of the following:

All correspondence from Plaintiff relating to this case should be directed to the Pro Se Office, United States Courthouse, 500 Pearl Street, New York, New York 10007-1312. Plaintiff, proceeding pro se, shall send no correspondence directly to Chambers.

Plaintiff should review the Federal Rules of Civil Procedure. In particular, Plaintiff is advised that Rule 4(m) of the Federal Rules of Civil Procedure requires that you serve the Complaint on the Defendants and file proof of service with the Clerk of the Court within 120 days of the filing of the Complaint or that you write to the Court, thorough the Pro Se Office, if you can demonstrate good cause for an extension prior to the expiration of the 120 days. The Pro Se Office will answer any questions you may have about how to do this. If you do not comply with Rule 4(m) or with this Order, your case may be dismissed by the Court without further notice.

While this action is pending, it is the responsibility of the pro se Plaintiff to immediately inform the Court, through the Pro Se Office, of any changes of address. The Court's records

indicate that Plaintiff's current address is 12 Walnut Street, Suite 21, Natick, Massachusetts 01760.

Should Plaintiff obtain counsel in this matter, such counsel shall comply with the schedule set forth in this Order and all applicable Local and Federal rules relating to properly entering an appearance on Plaintiff's behalf.

SO ORDERED.

Dated: New York, New York
May 24, 2007

A handwritten signature in black ink, reading "Deborah A. Batts", is written over a horizontal line.

DEBORAH A. BATTS

United States District Judge